



SENATOR ALFONSE D'AMATO
Chairman

REPRESENTATIVE CHRISTOPHER H. SMITH
Co-Chairman

CSCE Digest

Vol. 20, No. 10

The Commission on Security and Cooperation in Europe

October 1997

Montenegro Votes

October 5 and 19, Montenegro held a two-round presidential election between two former allies—President Momir Bulatovic and Prime Minister Milo Djukanovic—in a race with implications beyond the republic's borders.

The smallest of the six former Yugoslav republics, and the only one to remain with Serbia in the Yugoslav federation proclaimed in 1992, Montenegro's Orthodox, South Slav majority has close affinities with Serbs. They are, however, divided between those, mostly in the north who consider themselves Serbs, and those from the south who stress the distinctness of their history and culture from their inland cousins. This division became evident in the election, as Bulatovic has maintained close ties with former Serbian and now Yugoslav President Slobodan Milosevic, but

Montenegro, *continued on page 110*



(l to r) Chairman D'Amato, Co-Chairman Smith and Commissioner Salmon convene Intolerance hearing. Also participating were Commissioners Burns, Hoyer and Markey.

Religious Intolerance in Europe Focus of Commission Hearing

Representatives of nearly a dozen religions and belief systems presented detailed testimony concerning ongoing violations of the Helsinki Final Act and other commitments of the participating States of the Organization for Security and Cooperation in Europe (OSCE) at a September 18 Commission hearing on "Religious Intolerance in Europe Today." The four-hour long hearing focused especially on obstacles to the free profession and practice of religion or belief by individuals. Principle VII of the Helsinki Final Act commits the OSCE participating States to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, *religion or belief* [emphasis added] acting in accordance with the dictates of his own conscience."

The diverse group of panelists detailed the difficulties faced by Orthodox believers, Catholics, Jews, Muslims, and Evangelical Christians as well as Jehovah's Witnesses, Mormons, and Scientologists. While particular attention was given to developments in Russia, where a draft law on religion was pending before the Russian Duma, numerous other OSCE coun-

Intolerance, *continued on page 104*

Inside

Plight of Romani Minority	105
Russia's New Religion Law	107
New CSCE Publications	107
Nikitin Charged with Treason —FifthTime	109
State Department Report: OSCE Commitments Implementation ...	109
ODIHR Panel of Experts on Religious Liberty	111
Religious Liberty in the OSCE: The Caucasus (Part II)	112

The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.



Panel One: (l to r) Dr. Shimon Samuels, The Very Reverend Dr. George Papaioannou, Reverend Drew Christiansen, S.J., and Dr. Ekaterina Smyslova

tries—including several in Western Europe—were cited for systematic violations of freedom of thought, conscience, religion, and/or belief.

Commission Chairman Sen. Alfonse D'Amato (R-NY) observed in his opening remarks that “assaults on minorities are one of the early indicators of serious trouble in societies. When governments attack minorities—including religious minorities—the situation then becomes perilous. We cannot, and must not, stand silently by while basic individual freedoms enjoyed by members of the majorities are denied to members of minorities.”

Noting past discrimination and repression of select religions or beliefs in the United States, Co-Chairman Rep. Christopher H. Smith (R-NJ) stressed the importance of maintaining vigilance against religious intolerance in OSCE countries, including the United States. Underscoring the interrelationship between freedom of religion and other freedoms, Smith pointed out, “Religious freedom, essentially, is the right to freedom of speech, thought, and assembly directed toward one’s deepest spiritual needs. If the state is permitted to deny basic rights to one person or group on the basis of religion, what is to prevent the state from denying these rights to other persons or groups, for other reasons?”

Dr. Ekaterina Smyslova, Chief of the Legal Department of the Moscow-based Institute of Religion and Law, provided an extensive overview of the legal framework affecting religious activity in the Russian Federation. Dr. Smyslova emphasized the extraordinary influence of the Russian Orthodox Church, in quoting from an agreement reportedly reached between the Russian

Interior Minister and Patriarch Alexi II: “We see urgent necessity of protection of citizens from spiritual aggression . . . Russia always was a country of high culture and spirituality where Orthodoxy was the base of the State.” The Russian legal expert cited numerous difficulties faced by non-Orthodox churches and groups seeking to operate in Russia. She discussed in some detail provisions of the draft Russian Federation Federal Law on Freedom of Conscience and on Religious Associations which would, if implemented, discriminate against minority religious faiths or beliefs, placing unacceptable restrictions on the freedom of the individual to profess and practice religion or belief. The law, passed by the Russian parliament and signed into law by President Yeltsin within days of the Commission hearing, requires that religious associations provide official proof that they have operated on Russian territory for more than 15 years. The Russian law was strongly criticized by Commissioners as well as witnesses representing non-Orthodox entities.

Professor W. Cole Durham of the Brigham Young University Law School, an expert on religious liberty issues, had just returned from Moscow where he had held a series of meetings with Russian officials on the pending law. Expressing grave concern over the law’s implications, Durham underscored that the law’s language could be subject to varying interpretations, that any impact would depend on how generously officials interpreted the text as in a chilling comment made by Russia’s Orthodox Archbishop Kliment to a visiting U.S. Senator to the effect that “if the Russian Orthodox Church could wait a thousand years to obtain religious

Intolerance, continued on page 106

Refugee Claims Draw Attention to Plight of Romani Minority

An outpouring of asylum applicants from the Czech Republic has led Canada to reimpose visa restrictions on visitors from the Czech Republic. The refugee seekers are predominately members of the Romani minority who claim they are fleeing the prejudice, discrimination, and racially motivated violence they face in the Czech Republic. Reportedly, more than twelve hundred people from the Czech Republic requested asylum in Canada since the visa-free agreement went into effect in April 1996. Most of the applicants arrived after a television program aired in the Czech Republic in August 1997 portraying Canada as a haven from persecution.

Currently, the United States does not have a visa-free agreement with the Czech Republic. According to a statutory formula, the United States may permit visa-free travel for non-immigrant visitors if a country has met certain conditions, one of which is that the country in question must have a low non-immigrant visa refusal rate for two years, averaging no more than 2 percent over two years and no more than 2.5 percent in any single year. (The Canada-Czech Republic agreement on visa-free travel was reached under a similar formula.) At present, roughly 3 percent of the Czech applicants for visas to the United States are turned down. If that number were to meet the statutory guidelines in the near future, the Czech Republic would theoretically be eligible for visa-free travel to the United States, although American policymakers might be influenced by Canada's experiences.

Presumably, many of the Czechs who have gone to Canada since early August would not have been issued non-immigrant visas if visas had been required, since applicants must demonstrate an intent to return to one's home country as a pre-condition to get a non-immigrant visa and asylum seekers, by definition, lack that intent.

Canadian officials have confirmed that some asylum seekers from the Czech Republic have been successful in making their claims as refugees as defined by the 1954 Convention on Relating to the Status of Refugees; most claims are still pending, and some applications have been turned down. Under the Convention, a refugee is defined as someone who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the pro-

tection of that country; or who, not having a nationality [citizenship] and being outside the country of his former residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

Significantly, in announcing its decision, the Canadian Government noted: "People who have fled their country do not need to come to Canada to apply for refugee status. They can apply for this at Canadian missions abroad. In addition, in a letter sent by the Minister of Foreign Affairs to Mme. Ogata, the United Nations High Commissioner for Refugees, the Minister indicated that Canada will review the case of any Roma who may be referred by UNHCR officials for consideration under Canada's resettlement program."

Meanwhile, a Czech government committee, headed by Minister Without Portfolio Pavel Bratinka, has prepared a report that includes specific suggestions for improving the current government policies towards Roma. In particular, the report suggested changing the Czech citizenship law—which has consistently generated criticism by the Council of Europe, the UNHCR, the Helsinki Commission, and non-governmental human rights organizations—to permit all persons who were permanent residents in the Czech Republic at the time of the break of the Czechoslovak federation and who still are permanent residents to obtain Czech citizenship. The existing law is widely believed to be intended, as drafted and implemented, to keep Roma from obtaining Czech citizenship; the Helsinki Commission has argued that it also violates the international prohibition against the *ex post facto* increase of criminal penalties by linking the option of citizenship to past criminal acts.

Most recently, human rights groups have suggested to the Helsinki Commission that more than 3,000 former Czechoslovaks still have pending citizenship requests with the Czech Government; some of them have been pending since 1993. This figure also includes more than 400 cases of orphans or children in foster care. (In late 1995, the Czech Government acknowledged that there were more than 8,000 pending citizenship requests from former Czechoslovaks. Since then, the Czech Government has indicated that over 2,000 former Czechoslovaks have received Czech citizenship under a special program established in April 1996. Government representatives have not provided information regarding the fate of the remaining applications.) **Romani**, continued on page 110



Panel Two: (l to r) James M. McCabe, Judah Schroeder, Dr. Laila Al'Marayati, and Professor W. Cole Durham, Jr.

freedom, the Mormon Church and other religions could wait 15 years.” Voicing concern that other governments might adopt similarly restrictive laws on religious associations, Durham noted that in Bulgaria Mormons have been subjected to continued acts of harassment—including confiscation of religious materials and assault—and are prevented from proselytizing in other participating States, most notably Greece and Turkey. Professor Durham reminded those present that regardless of the Helsinki Process, Article 18 of the Universal Declaration of Human Rights states: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” Additionally Article 18 of the International Covenant on Civil and Political Rights provides that “No one shall be subject to coercion which would impair his freedom to have or adopt a religion or belief of his choice.”

Reverend Drew Christiansen, S.J., Director of the U.S. Catholic Conference’s Office of International Justice and Peace, testified on the harassment of and violence toward Catholics in parts of Bosnia-Herzegovina and Croatia as well as Northern Ireland, and documented other serious difficulties faced by Catholics elsewhere in Europe, including in Belarus, Russia, Greece, Turkey, and Romania.

Representing the Greek Orthodox Archdiocese of North and South America was Reverend Dr. George Papaioannou. Having served in Turkey, he focused his attention on the situation of the small Orthodox community in Turkey, and the particular problems encountered

by the Ecumenical Patriarchate in Istanbul. The Patriarchate has been subjected to recurring acts of violence, and faces serious obstacles imposed by Ankara, including the closing of the Theological School of Halki. Commissioner Edward J. Markey (D-MA) raised objections to the Greek policy that requires one’s religious affiliation to appear on mandatory national identification cards. Markey voiced particular concern that such cards could be used to discriminate against members of minority faiths or beliefs in this predominately Orthodox country.

Dr. Shimon Samuels, Director of European Affairs at the Simon Wiesenthal Center, discussed the current status of Jewish communities in OSCE participating States, and provided a list of outstanding problems and proposed improvements for these countries. Samuels described various attempts to make Jews scapegoats for the pain of the ongoing transitions from centrally-planned economies to free-market economies in several participating States. He noted the increasing desecration of Jewish cemeteries and memorials throughout Europe, as has been the distribution of anti-Semitic publications—such as *The Protocols of Zion*—and neo-Nazi computer games, such as *Death Camp Commander*.

Dr. Laila Al-Marayati, President of the Muslim Women’s League and a member of the U.S. Secretary of State’s Advisory Committee on Religious Freedom Abroad, testified to the considerable difficulties Muslims encounter in many OSCE countries. Throughout Europe, Muslims have been subjected to genocide, mass killings, forced migration and torture, including rape, in the former Yugoslavia. Harassment, police brutality and attacks, and other hate crimes by extremists groups

Intolerance, continued on page 108

The Near Aftermath of Russia's New Religion Law

Since the introduction and signing of the new law on religious organizations in Russia (see September *Digest*), there have been several reports that local authorities are using the law to restrict the activities of "minority" faiths.

According to the national office of Jehovah's Witnesses in St. Petersburg, five religiously motivated attacks on missionaries and tourists took place during August and September. The director of the office has stated that "verbal and physical attacks began after President Yeltsin's veto of the earlier version of the law on religious organization," which prompted a series of "anti-cult" stories in the press. In one episode, several young men approached a missionary from Poland and told him "tell your center we don't want you preaching here."

The BBC World Service reported September 29 that members of the Hare Krishna faith have complained about increased police harassment in Moscow, with officers preventing activists from selling religious materials. According to the Hare Krishna's leader, police harassment has been on the rise since President Yeltsin signed the new religion law.

The Union of Councils for Soviet Jews reports that the leaders of a Jewish synagogue in Bryansk received a letter from the Ministry of Justice Bryansk Oblast office informing them, "In accordance with article 11, point 9 of the federal law on Freedom of Conscience and Religious Organizations, we are disregarding the application for registration of the Jewish religious congregation and returning the documents presented by you." Article 11, point 9 refers to three earlier sections of the law—points 4, 5, and 6—wherein applicants are required to submit extensive information on the religious organization in question, including "information on its basic creed and

related practice, including the history of how the religion arose and a history of said organization," as well as "the forms and methods of its activity, attitudes toward the family and marriage, toward education, particulars of the attitude toward the health of followers . . . , etc."

In the town of Noginsk outside Moscow, property held by the Ukrainian Orthodox Church (Kiev Patriarchate) has been turned over to the Moscow Patriarchate by a regional arbitration court. The press office of the Kiev Patriarchate reports that several people were beaten and arrested, and that the Archbishop's arm was broken, when police moved to seize buildings pertaining to the church complex. There are about 20 Ukrainian Orthodox churches (Kiev Patriarchate) located in Russia.

Law and Liberty Trust of Annandale, Virginia, reports that a Protestant church near Moscow has been evicted from the rented facility used for worship services and told by the mayor to "go to a nearby forest."

In the region of Khakassia, an Evangelical Lutheran mission was informed in a letter from local officials on September 30 that its registration had been revoked "in accordance with the Law on Freedom of Conscience and Religious Organizations." After protests from the church and supporters, the revocation was itself reversed by the Ministry of Justice of Khakassia.

Law and Liberty Trust also reports that sixty deputies have signed a petition calling upon the Constitutional Court to determine the law's constitutionality. A total of ninety signatures is necessary for the court to proceed. From the statutory 450-member Duma, approximately 20 percent (90) voted against the bill or abstained.

✉ John Finerty

New Commission Publications

The OSCE After the Lisbon Summit begins by describing the evolution of the review process in the OSCE and the role of review conferences in shaping and directing OSCE policies and activities. The report then discusses and criticizes the Vienna Review Conference and Lisbon Summit (held Nov.-Dec. 1996), arguing that "[t]he 1996 Vienna Review Conference fell far short of the work of previous Follow-up Meetings or Review Conferences." A final section, "Is There Life After Lisbon?," discusses the significance of the shortcomings of the Lisbon summit in the context of a number of other growing pains the OSCE is experiencing. An appendix sets forth the current membership and gives an overview of the OSCE decision-making bodies, mechanisms, and institutional structures.

Human Rights and Democratization in Slovakia is part of a series of reports prepared by Commission staff on post-Communist transition in OSCE countries. It documents the deteriorating situation in Slovakia with regard to human rights and democratization.

These reports are available on request from the Commission or the Commission website.



Panel Three: (l to r) Isaac Hayes, John Travolta, Chick Corea, Steve Selthoffer, and Dr. Terry Jones

against Muslims have been reported throughout Europe, particularly in Germany, France and the United Kingdom. Al-Marayati raised the fact that Muslims have been denied permits to build or repair mosques in the Czech Republic, Bulgaria, and elsewhere. Muslim women have become frequent targets of attacks, and those who choose to wear a head-covering face discrimination and other forms of abuse and harassment.

Mr. James M. McCabe, Associate General Counsel for the Watch Tower Bible & Tract Society, presented detailed remarks on the widespread problems faced by Jehovah's Witnesses in Europe. The Watch Tower Society has been denied registration in a number of OSCE participating States, including Armenia, Austria, Bulgaria, Greece, and Latvia. Jehovah's Witnesses have been subjected to various forms of harassment, including the prohibition of importation of religious literature and denial of the freedom to assemble for worship services. In France, a Parliamentary Commission on Sects has categorized Jehovah's Witnesses as a "criminal sect" for its prohibition against blood transfusions. Germany's Federal Administrative Court has denied legal status to the Jehovah's Witnesses.

The 1986 Vienna Concluding Document commits the OSCE participating States to "take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life." The docu-

States are to "take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life."

—Vienna Concluding Document

ment further commits the OSCE participating States to "foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers."

Dr. Terry Jones and Mr. Steve Selthoffer of the Christliche Gemeinde Church of Cologne, Germany, detailed the intense scrutiny the charismatic church has come under by the Committee on Sects and Psycho-Groups of the German Bundestag and local officials, faced other forms of harassment, and been the target of vandalism and threats of violence. Selthoffer expressed particular concern over what he characterized as an increasing and alarming number of random incidents of persecution, with some premeditated and systematic actions by federal and local governments against Christian churches labeled as "sekte" in Europe. Showing the magnitude of the problem, Selthoffer displayed a reprint from a leading German news magazine that equated a gathering of charismatic Christians with cults such as Japan's Solar Temple. In addition to the problems in Germany, some evangelical and charismatic Christian churches have been denied registration by the Governments of Bulgaria, Uzbekistan, Azerbaijan, and Greece, and have been subjected to other forms of harassment, including the confiscation of their religious materials.

Three American Scientologists—John Travolta, Isaac Hayes, and Chick Corea—also presented testimony at the hearing. Travolta decried that Scientologists, including U.S. citizens, have been subjected to pervasive civil, political and economic discrimination, ha-

rassment, surveillance, and orchestrated boycotts in Germany. Drawing from personal experiences in the Federal Republic of Germany, Hayes and Corea recounted various forms of discrimination that they have encountered because of their beliefs, including the cancellation of performances. Several German Scientologists in the audience were asked to describe the difficulties they have experienced because of their beliefs, including the loss of employment and the revocation of business licenses by the German Government. Chairman D'Amato indicated that the Commission would further investigate the allegations made against Germany with a view to-

ward raising these concerns during the upcoming Warsaw OSCE Implementation Meeting on Human Dimension Issues in mid-November. The Helsinki Commission's Ranking House Member, Steny H. Hoyer (D-MD), a Vice-President of the Copenhagen-based OSCE Parliamentary Assembly, indicated that he would raise these issues with members of the German delegation to the Assembly.

A copy of the complete hearing record will soon be available by contacting the Commission or by viewing the Commission website.

✉ Ronald McNamara

Russia Charges Nikitin With Treason for Fifth Time

In the continuing Kafkaesque drama of Russia's security services versus Alexandr Nikitin, investigators have announced that they are charging the former Russian naval officer with treason for the fifth time.

The new charge is based on a presidential decree that came into force more than a year after Nikitin allegedly committed the crime. Nikitin's lawyer has pointed out that according to Article 54 of the Russian Constitution, persons are not liable for actions that were not crimes at the time of their commission. Earlier, the Federal Security Bureau had accused Nikitin of violating Defense Ministry decrees so secret that the investigator in charge of the case claimed that he did not know the contents of the decrees.

Meanwhile, Russian Prime Minister Chernomyrdin has announced after meeting with Canadian Prime Minister Chretien that Nikitin would be allowed to leave Russia "as soon as the investigation is over."

More than a year-and-a-half ago Nikitin was first detained for contributing to a Bellona Foundation (Norway) study on nuclear pollution caused by the Russian Northern Fleet. Nikitin spent ten months in 1996 in confinement, and is currently unable to leave Russia. Amnesty International has classified him as Russia's only post-Soviet political prisoner.

In an editorial on the Nikitin case, Russia's *St. Petersburg Times* noted, "Certainly any Russian citizen concerned about the Russian Navy's irresponsible treatment of its nuclear waste would think twice before he or she attempted to bring those concerns to a wider audience."

Meanwhile, on September 29 the *Electronic Telegraph* (UK) reported "perceptible hardening" of the Russian Government position on investigating pollution, and that the Norwegian State Secretary stated "even joint research into fish stocks is being halted as it involves entering military areas." ✉ John Finerty

Annual State Department Report Reviews Implementation of OSCE Commitments

In accordance with P.L. 94-304, the Department of State has transmitted to the Commission on Security and Cooperation in Europe its annual report on implementation of the Helsinki Final Act. The report stands as the principal vehicle through which the Department articulates its policies toward the Organization on Security and Cooperation in Europe (OSCE) as an institution and toward many of the crises that currently fall within the scope of the OSCE's work. Countries which are

discussed under specific headings are: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Estonia, Macedonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Moldova, Russia, Slovakia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

The Department has posted the entire report on its website, <<http://www.state.gov/index.html>>. Questions about the report should be directed to the European Bureau at the Department of State.

✉ Erika B. Schlager

Montenegro, *continued from page 103*

Djukanovic has warned Milosevic to stay out of Montenegrin affairs and has developed contacts between Montenegro and other European countries. Although poor with a population of just more than 600,000, Montenegro is of strategic importance to Serbia as the country's only direct access to the sea.

Going into the campaign, Djukanovic appeared to have a commanding lead over his former mentor, whom Djukanovic had removed from the ruling Democratic Party of Socialists (DPS). Federal courts overturned Montenegrin decisions that two candidates cannot run from the same party, which would have disqualified Bulatovic. During the campaign, "Momo" utilized those officials still loyal to him to his advantage, despite the fact that "Milo's" supporters had control over much of the media and republic institutions. Serbia's Socialist Party and its allies also gave Bulatovic significant financial backing. Milo's charges of putting the republic's interest below that of Serbia were countered by Momo's charges of corruption. Both were able to campaign vigorously throughout the country.

In the first round, the voting and counting of ballots went smoothly, except for some flaws with the voter registration lists. When neither of the two main contenders—six others were on the ballot—won the required simple majority for a first-round victory, this was viewed as a setback for Djukanovic. His support came largely from supporters of opposition parties—who view him as more willing to introduce democratic change and obtained concessions from him to that end—as well as the Bosniac (or Muslim) and Albanian communities which represent about 15 percent and 7 percent of the republic's population respectively, and, finally the younger Montenegrin voters. Perhaps because their inclination was less pro-Djukanovic and more anti-Bulatovic, turnout from these groups was not as strong as those supporting Bulatovic, especially from the north and among resettled refugees from the Yugoslav conflict. The race was so close—with Djukanovic behind by about 2,400 votes—that even the flaws in the registration list could have made a difference, and OSCE observers of the elections called upon the authorities to fix the lists for the second round.

In the second round, Djukanovic's stronger showing won a majority of the vote, with an approximate 5,000 vote victory over Bulatovic. The difference likely came from the ranks of those who had voted for one of the other first-round candidates, as well as those, believed

mostly to consist of Djukanovic supporters, who were not on the lists for the first round. Bulatovic quickly called foul and contested the result, but his complaints were rejected. An attempt was made to pit ethnic Montenegrins against ethnic Bosniacs and Albanians, with charges that Djukanovic was the candidate of the minorities. Montenegrin police were forced to step in to prevent an inflammatory post-election rally in the Albanian-inhabited town of Tuzi, near the Montenegrin capital of Podgorica. The Serbian press viciously attacked Djukanovic, using a tone which raised concern of federal intervention.

The Djukanovic victory has been a setback for Milosevic, who is transferring his powers from the federal to republic level. With the Serbian opposition in disarray and the Albanians of Kosovo refusing to participate in Yugoslav politics, a Bulatovic victory would have quelled the greatest opposition Milosevic has—Montenegro itself. At the same time, Djukanovic has been careful not to distance Montenegro too much from the federation, and the results of elections for parliament in 1998, in which the opposition will field candidates against Djukanovic's DPS, will be a truer barometer of Montenegro's democratic development and actual autonomy. Meanwhile, protests by opposition forces in Belgrade and student demonstrations in Kosovo, both of which met with police violence, combine with the inconclusive result of a two-round Serbian presidential election to produce a chaotic picture of Serbia's political scene. This, some analysts argue, may be just what Milosevic desires, but others view the uncertainty as challenging Milosevic's grip on power and could be met with more blatant action against opponents anywhere.

✉ Bob Hand

Romani, *continued from page 105*

The refusal to ensure that orphans who would otherwise be stateless have citizenship is especially harsh when coupled with policies that have, in effect, penalized Czech citizens for adopting these children. The case of Alena and Jan Petirovi is illustrative: the Petirovis are Czech citizens who had one child, also a Czech citizen. They adopted a Romani child, who is reportedly stateless. As a result of adopting a child without Czech citizenship, the family has lost all public support to which they would otherwise be entitled.

The legislative suggestion proposed by Minister Bratinka would help address the kind of problem the Petirovis face and remove an issue which has led to

Romani, *continued on page 111*



(l to r) Erol Akdag, Uwe-Peter Heidingsfeld, Rudiger Noll, Reverend Vsevolod, Judge Carl Axel Petri, and Dr. Sophie Van Bijsterveld

ODIHR Panel of Experts on Religious Liberty Meets; Results Mixed

The panel of religious liberty experts of the Office of Democratic Institutions and Human Rights (ODIHR) held their second meeting September 8 & 9 in Warsaw. The meeting was a follow-up to continue the work begun in Pultusk, Poland last April. A number of new members were added to the panel which includes Canon Michael Bourdeaux of the Keston Institute, Reverend Vsevolod Chaplin of the Russian Orthodox Church (Moscow Patriarchate), Professor Cole Durham of Brigham Young University, Dr. Boris Falikov (an expert on Russian religion), Dr. Jeremy Gunn (an American expert on religious law), Uwe-Peter Heidingsfeld and Mr. Rudiger Noll of the Conference of European Churches, Dr. Jorg Paul Muller (a noted Swiss expert on European religious law), Judge Carl Axel Petri of Sweden, Muhummad Risaluddin of the Calamus Foundation, Dr. Gerhard Robbers of the European Consortium for State and Church Research, Dr. Sophie Van Bijsterveld of the Catholic University in Holland, Mr. Marin Varbanov of the Holy Synod of the Bulgarian Orthodox Church, Mr. Mathias Weckerling of the German Ministry of Justice, and Karen Lord of the Commission.

The panel is producing a report that will delineate religious liberty concepts that the members believe should be addressed by the participating States and will be distributed to the participating States in time for November's

Human Dimension Implementation Review meeting in Warsaw. Since the panel did not hear several papers that were prepared on problems in particular regions, the experts did not discuss specific problem areas within the OSCE. These regional papers will, however, be included with the report as an addendum.

Unfortunately, the April and September meetings did not accomplish much relative to the time, effort, and funding required. The lack of productivity stemmed, in part, from the perception by the ODIHR staff that the panel would set its own agenda and then advise the ODIHR. The panel, however, looked to the ODIHR for its direction and agenda. With the lack of leadership from either body, numerous hours were spent at each meeting discussing what ought to be the mandate rather than issues and cases of religious liberty violations.

A second problem lay in the actual composition of the panel. Most experts did not have a clear understanding of how the OSCE functions, and thus could not visualize their role within the OSCE. Most experts were academics with little field exposure, with only vague ideas of the actual situations faced by religious minorities in OSCE countries. If such a panel is reconvened, it should only be done with an explicit mandate, a clean structure, and a panel with a more appropriate composition.

☞ Karen Lord

Romani, *continued from page 110*

considerable international criticism of the Czech Republic. However, Prime Minister Vaclav Klaus criticized Bratinka's report as too vague and instructed him to submit a revised report to the cabinet, due at the end of October.

In a related move, the Czech Government has approved the statute of a consultative body to address

Romani issues, to be comprised of representatives of ministries involved in Romani issues (whatever that means), as well as six seats for Roma. The committee does not appear to have any funding, however.

☞ Erika Schlager

Religious Liberty in the OSCE: The Caucasus

(part two of a two-part series)

Armenia

Armenia has been engaged in continuing conflict with Azerbaijan over the Nagorno-Karabakh enclave. The unifying and nationalistic characteristics of religion are heightened in both countries due to this dispute. As the first nation to officially declare itself a Christian nation, Armenian identity is inextricably intertwined with the Armenian Apostolic Church to which 94 percent of the population belongs. In addition to preferential treatment by the government, the Church has been granted a special status under law. For instance, the law restricts financing of all non-Apostolic religious groups, and requires registration for all non-Armenian religious groups.

The situation for religious minorities in Armenia remains tenuous, although a handful of minority groups, such as the Armenian Catholic community and the Kurdish Yezidi community, are treated as traditional religions and therefore have not encountered legal or governmental obstacles. In 1991, Armenia passed a law requiring all religious organizations to register with the government. A religious organization that is not registered cannot publish materials, rent a meeting place, run a radio or television show, or officially sponsor visitors to Armenia. The Parliament passed amendments to the law on June 9 which would have required non-Armenian religious groups to re-register, a minimum of 200 members over the age of 18 before legal status could be granted, and restricted foreign financing of non-Apostolic groups. Certain religious groups would have been exempted from these provisions, such as the Jewish, Russian and Greek religious communities. President Ter-Petrossian vetoed these amendments on July 7 and has sent Parliament a detailed list of objections and suggestions. The ODIHR panel will be monitoring this situation.

The 1991 law also prohibits proselytizing—a violation of the OSCE commitments to uphold the freedom of speech and expression, whether religious, political, or philosophical. Minority religious groups that engage in speech intended to persuade the listener to another religious point of view are seen with hostility by both the government and the Apostolic Church leadership. In April 1995, paramilitary groups attacked a number of minority religious groups, causing destruction of property and hospitalization of approximately 20 religious believers. The headquarters of the Armenian Missionary Association of America was ransacked, along with attacks on

members and buildings of the Krishna Consciousness Society, the B'hai, and the Seventh Day Adventist Church. A number of members from a Pentecostal Christian church, the Warriors of Christ, were imprisoned and the church's property was confiscated. Some religious groups have ceased their activities in Armenia out of fear of future attacks. Although no attacks on minority religious groups have been reported since 1995, the implicit threat of the 1991 law remains.

Azerbaijan

Like other former Soviet republics, where the Communists suppressed religion for 70 years, Azerbaijan underwent a religious revival in the late-Soviet and early-independence periods. The government is now wary of losing control of traditional Muslim congregations and of "incursions" from foreign-based religions. The last 18 months have witnessed the arrest of Islamic Party activists, changes to the law on religion, the refusal to register a Protestant Christian church, and verbal attacks on "sects" by the chief mufti. Azerbaijan is 93.4 percent Muslim, predominantly from the Shi'a school, although percentages of actual practicing Muslims are significantly lower. Russian Orthodox believers comprise 2.5 percent of the population, Armenian Orthodox 2.3 percent, and other faiths 1.8 percent of the population. The Armenian Orthodox believers are primarily found in Nagorno-Karabakh, and the self-declared government of the enclave limits non-Apostolic missionary activities, especially by groups that oppose military service on the grounds of conscience.

In 1992, a liberal law was passed guaranteeing separation of religion from the state and banning state interference in religious affairs. Unfortunately, the honeymoon period for religious groups is now over and political control over religion appears to be returning. Islam, the majority religion of the country, as well as Christianity and other minority religions, have been brought under tight control.

The staunchly secular government of President Heidar Aliyev is especially suspicious of the inroads that fundamentalist Iran has made, and in particular its promotion of political Islam loyal to Iranian Shi'a authorities. After a long period of watching and waiting, the government finally moved a year ago against the anti-American, anti-Israel Islamic Party, which warned that

Aliiev could wind up like Anwar Sadat (i.e., assassinated, not admired). The National Security Ministry arrested party leaders, accusing them of spying on behalf of a foreign nation. President Aliiev also signed a presidential decree on January 6 banning all activities of foreign missionaries. In June 1996, parliament passed amendments to the 1992 law, which were signed by the president. The amendments subordinated all mosques to the Muslim Board, headed by Sheikh-ul-Islam Allahshukur Pasha-Zade, and gave the government veto power over the selection of mullahs.

The 1996 amendments also affected religious minorities. The preaching of religions “alien” to Azerbaijani traditions or those which “might lead to a division of society” was prohibited. Religious publishing and distribution were brought under closer control and limits were set on the amount of religious material that foreigners can bring into the country. Despite his success in promoting amendments to the law on religion, Pasha-Zade of the Muslim Board seems dissatisfied with the result, complaining that the law is still not strong enough to counter the activities of “Christian sects” in Azerbaijan. Experts at Baku’s Islamic University claim that many Azerbaijani Muslims have converted to “Christian sects” and there are complaints that such “well-funded groups” have been freely renting the best halls in Baku. Pasha-Zade called for the law to be tightened and the propaganda of Islam to be increased.

One Christian group that has drawn the negative attention of the government is the Word of Life congregation, one of the largest Protestant churches in the country with more than 600 regular attendees meeting in the former KGB building in central Baku. The church has successfully registered a non-profit organization which has effectively delivered relief to thousands of refugees displaced by the ongoing conflict in Nagorno-Karabakh. For the past 3 years, however, Word of Life has been trying to obtain their church registration to no avail. No substantive reasons have been given for the denial of registration, but one Azerbaijani official stated to an American human rights lawyer, “We have too many churches here.” There are fewer than ten churches registered in Azerbaijan. Without such registration, Word of Life is in jeopardy of forcible closure and its religious leaders of imprisonment. In addition, it is highly suspicious that the government would register the humanitarian aid arm of Word of Life while refusing to register the church.

Georgia

The Georgian Orthodox Church is the largest religious body in the country, claiming 65 percent of the population as members. The Russian Orthodox Church has 10 percent of the population, Muslims 11 percent, and the Armenian Apostolic Church has 8 percent of the population.

While the ODIHR panel of religious liberty experts has not received reports of *official* repression of minority religious groups in Georgia, there are sporadic reports of Orthodox believers harassing minority religious groups. The U.S. State Department Report for 1996 states the following:

“The Constitution provides for freedom of religion, and the government respects this right in practice. Georgia has a tradition of religious tolerance. In two separate instances, however, foreign Christian missionaries were questioned by police for engaging in ‘anti-Christian activities.’ In one of those instances, Orthodox priests urged police to call in the missionaries for questioning. This action reflects a growing mistrust on the part of the Georgian Orthodox Church of the activities of missionaries of other denominations, especially evangelicals. The Georgian Orthodox Church stated publicly that foreign Christian missionaries should confine their activities to non-Christian areas.

“The Georgian Orthodox Church, wary of proselytism, has sought to hinder evangelical missionaries and the Salvation Army. In one instance, the Orthodox Church urged the police to question foreign Christian missionaries. The Catholic Church also complains of continuing delays in the return of churches closed during the Soviet period and later given to the Georgian Orthodox Church. A prominent Armenian church in Tbilisi remains closed.

“Organizations promoting the rights of Jews and Jewish emigration continue to report that the government provides good cooperation and support. Jewish leaders in the country attribute isolated acts of anti-Semitism in previous years to general instability and disorder. The government has been outspoken in denouncing anti-Semitism. A virulently anti-Semitic article that appeared in the independent newspaper *Noi* during the summer [1996] prompted a public rebuke from the President. The Prosecutor’s Office filed charges against the editor for inciting interethnic hatred.”

☞ Karen S. Lord

Commission on Security and Cooperation in Europe

234 Ford House Office Building

Washington, DC 20515-6460

E-mail address: csce@mail.house.gov

Internet Web Site: <http://www.house.gov/csce/>

Commissioners

Sen. Alfonse D'Amato, *New York*, Chairman

Rep. Christopher H. Smith, *New Jersey*, Co-Chairman

U.S. House of Representatives

John Edward Porter, *Illinois*

Frank R. Wolf, *Virginia*

Matt Salmon, *Arizona*

Jon Christensen, *Nebraska*

Steny H. Hoyer, *Maryland*

Edward J. Markey, *Massachusetts*

Benjamin L. Cardin, *Maryland*

Louise McIntosh Slaughter, *New York*

U.S. Senate

Ben Nighthorse Campbell, *Colorado*

Spencer Abraham, *Michigan*

Conrad Burns, *Montana*

Olympia Snowe, *Maine*

Frank R. Lautenberg, *New Jersey*

Harry Reid, *Nevada*

Bob Graham, *Florida*

Russell D. Feingold, *Wisconsin*

Executive Branch

Hon. John H.F. Shattuck, Department of State

Vacant, Department of Defense

Vacant, Department of Commerce

Professional Staff

Michael R. Hathaway, *Chief of Staff*

Dorothy Douglas Taft, *Deputy Chief of Staff*

E. Wayne Merry, *Senior Advisor*

Maria V. Coll, *Office Administrator*

Orest Deychakiwsky, *Staff Advisor*

John Finerty, *Staff Advisor*

Chadwick R. Gore, *Communications Director, Digest Editor*

Robert Hand, *Staff Advisor*

Janice Helwig, *Staff Advisor (Vienna)*

Marlene Kaufmann, *Counsel for International Trade*

Sandy List, *GPO Liaison*

Karen S. Lord, *Counsel for Freedom of Religion*

Ronald McNamara, *Staff Advisor*

Michael Ochs, *Staff Advisor*

Erika B. Schlager, *Counsel for International Law*

COMMISSION ON
SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC 20515-6460

OFFICIAL BUSINESS



U.S.S.

